

PROVIDING FOR THE CONSIDERATION OF H.R. 1745, THE  
UTAH PUBLIC LANDS MANAGEMENT ACT OF 1995

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DECEMBER 13, 1995.—Referred to the House Calendar and ordered to be printed

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Mr. LINDER, from the Committee on Rules,  
submitted the following

REPORT

[To accompany H. Res. 303]

The Committee on Rules, having had under consideration House Resolution 303, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 1745, the Utah Public Lands Management Act of 1995 under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Resources.

The resolution waives clause 2(l)(6) of rule XI (three-day layover) or section 302(f) (prohibiting consideration of legislation providing new budget authority in excess of a committee's allocation) or section 311(a) (prohibiting consideration of legislation exceeding total federal spending limits) of the Congressional Budget Act against consideration of the bill. It also provides for one hour of general debate to be divided equally between the chairman and ranking minority member of the Committee on Resources. It also makes in order the Committee on Resources amendment in the nature of a substitute now printed in the bill as an original bill for purpose of amendment. The amendment in the nature of a substitute shall be considered as read. It waives clause 7 of rule XVI (germaneness) or section 302(f) or section 311(a) of the Congressional Budget Act against the committee amendment in the nature of a substitute.

The resolution provides for the consideration of a manager's amendment printed in the report of the Committee on Rules, to be offered by the chairman of the Committee on Resources or his designee, which is considered as read, not subject to amendment or to

a division of the question, and is debatable for 10 minutes equally divided between the proponent and an opponent. If adopted, the amendment is considered as part of the base text for further amendment purposes.

Members who have preprinted their amendments in the Record prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules. Finally, the rule provides for one motion to recommit, with or without instructions.

THE TEXT OF THE AMENDMENT TO BE OFFERED BY THE CHAIRMAN  
OF THE COMMITTEE ON RESOURCES, OR HIS DESIGNEE, DEBAT-  
ABLE FOR 10 MINUTES

Page 2, beginning on line 15, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated OCT 3 1995,".

Page 2, beginning on line 21, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 3, beginning on line 6, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated OCT 3 1995,".

Page 3, line 13, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 3, line 19, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 3, beginning on line 25, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 4, beginning on line 6, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 4, beginning on line 12, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated OCT 3 1995,".

Page 4, line 18, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 4, line 24, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated OCT 3 1995,".

Page 5, line 6, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 5, beginning on line 11, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 5, beginning on line 17, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 5, beginning on line 23, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 6, line 4, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 6, line 9, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 6, line 14, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 6, beginning on line 20, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 7, beginning on line 1, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 7, line 7, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated October 3 1995,".

Page 7, beginning on line 13, strike "Coal/Spruce Wilderness—Proposed' and dated \_\_\_\_\_, and which shall be known as the Coal/Spruce Canyon Wilderness" and insert "Coal Canyon-Spruce Canyon Proposed Wilderness' and dated SEP 18 1995, and which shall be known as the Coal Canyon-Spruce Canyon Wilderness".

Page 7, line 20, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 8, beginning on line 1, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 8, beginning on line 7, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated OCT 3 1995,".

Page 8, line 13, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 8, beginning on line 19, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 8, beginning on line 25, strike "Canyon Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated OCT 3 1995,".

Page 9, beginning on line 6, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 9, beginning on line 12, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 9, beginning on line 18, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 9, beginning on line 24, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 10, beginning on line 5, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 10, line 9, strike "28,778 acres" and insert "17,678 acres".

Page 10, line 11, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 10, beginning on line 16, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 10, beginning on line 22, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 11, line 4, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated OCT 3 1995,".

Page 11, line 10, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 11, line 16, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 11, beginning on line 22, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 12, beginning on line 4, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 12, beginning on line 10, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated OCT 3 1995,".

Page 12, beginning on line 16, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated OCT 3 1995,".

Page 12, beginning on line 22, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 13, beginning on line 5, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 13, beginning on line 11, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 13, line 17, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 13, beginning on line 22, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 14, beginning on line 4, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 14, beginning on line 10, strike "Wilderness—Proposed' and dated \_\_\_\_\_" and insert "Proposed Wilderness' and dated SEP 18 1995,".

Page 16, beginning on line 4, strike "curtailed, phased out or rendered economically infeasible" and insert "curtailed or phased out".

Page 16, line 18, insert “for fish and wildlife purposes” after “development”.

Page 18, strike line 6 and all that follows through line 8 on page 19 and insert the following:

(i) ACCESS.—Reasonable access, including the use of motorized equipment where necessary or customarily or historically employed, shall be allowed on routes within the areas designated as wilderness by this Act which are in existence as of the date of enactment of this Act for the exercise of valid existing rights, including (but not limited to) access to existing water diversion, carriage, storage and ancillary facilities and livestock grazing improvements and structures. Existing routes as of such date may be maintained and repaired as necessary to maintain their own customary or historic uses.

Page 19, after line 14, insert the following:

(k) PRECEDENTS.—Nothing in this Act shall be construed as establishing a precedent with regard to any future wilderness designation, nor shall it constitute an interpretation of any other Act or any wilderness designation made pursuant thereto.

(l) WATER CRAFT.—Nothing in this Act shall be construed to prevent the use of any mechanically propelled water craft on waters that lie within or adjacent to an area designated as wilderness by this Act where such use was established before the date of the enactment of this Act.

Page 20, strike line 12 and all that follows through line 19 and insert the following:

(d) CERTAIN FACILITIES NOT AFFECTED.—Nothing in this Act shall affect the capacity, operation, maintenance, repair, modification, or replacement of municipal, agricultural, livestock, or wildlife water facilities in existence as of the date of enactment of this Act within the boundaries of areas designated as wilderness by this Act.

Page 20, line 21, insert “or the Wilderness Act” after “Act”.

Page 20, line 23, insert “outside areas designated as wilderness by this Act” after “lands”.

Page 20, beginning on line 24, strike “projects,” and all that follows through line 2 on page 21 and insert the following: “projects. Nothing in this subsection shall be construed to create a right of access through a wilderness area designated pursuant to this Act for the purposes of such projects.”.

Page 22, strike line 1 and all that follows through line 18 and insert the following:

#### **SEC. 7. MILITARY OVERFLIGHTS.**

(a) OVERFLIGHTS NOT PRECLUDED.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new areas of the Wilderness Preservation System (or any additions to existing areas) designated by this Act shall restrict or preclude military overflights over such areas, including military overflights that can be seen or heard within such units.

(b) SPECIAL USE AIRSPACE.—Nothing in this Act, the Wilderness Act, or other land management laws generally applicable to the new areas of the Wilderness Preservation System (or any additions to existing areas) designated by this Act shall restrict or preclude

the designation of new units of special use airspace or the use or establishment of military flight training routes over such routes.

(c) COMMUNICATIONS OR TRACKING SYSTEMS.—Nothing in this Act the Wilderness Act, or other land management laws generally applicable to new areas of the Wilderness Preservation System (or any additions to existing areas) designated by this Act shall be construed to require the removal of existing communication or electronic tracking systems from areas designated as wilderness by this Act, to prohibit the maintenance of existing communication or electronic tracking systems within such new wilderness areas, or to prevent the installation of portable electronic communication or tracking systems in support of military operations so long as installation, maintenance, and removal of such systems does not require construction of temporary or permanent roads.

Page 23, strike line 13 and all that follows through line 15 and insert the following: “Brush Wellman Facilities. The permitting and operation of such projects and facilities shall be allowed subject to applicable laws and regulations.”.

Page 23, strike line 16 and all that follows through line 6 on page 25.

Page 25, line 7, strike “10.” and insert “9.”.

Page 25, line 22, insert before the period the following: “, including (but not limited to) areas of critical environmental concern, outstanding natural areas, national natural landmarks, research natural areas, primitive areas, visual resource management class I areas, and the full range of administrative management designations provided under such Act”.

Page 26, line 15, strike “11.” and insert “10.”.

Page 26, line 18, strike “142,041” and insert “209,000”.

Page 26, line 20, insert before the semicolon the following: “, including 15,000 acres of mineral estate”.

Page 27, line 1, insert “and the United States” after “Utah”.

Page 27, strike line 5 and all that follows through line 7 and insert the following:

- (4) the value of the Federal lands described in subsection (c)(2), adjusted to reflect the share of the State of Utah in revenue from such lands, are of approximate equivalent value to such school and institutional trust lands.

Page 27, beginning on line 13, strike “and transfer” and all that follows through “lands” on line 15 and insert “and, within 180 days after the date of such acceptance, in exchange for such lands initiate transfers to the State of Utah of”.

Page 27, line 19, insert before the period the following: “, including (but not limited to) the right of the State of Utah to receive, and distribute pursuant to State law, 50 percent of the revenue, less a reasonable administrative fee, from the production of minerals (that are leased or would have been subject to leasing pursuant to the Mineral Leasing Act (30 U.S.C. 191 et seq.). All transfers of lands under this section shall be completed within two years after the date of such acceptance, but within such two-year period, transfers of portions of such lands may be made”.

Page 27, line 25, strike “Utah School Lands” and insert “Surface and Mineral Offering”.

Page 28, strike lines 1 and 2 and insert “‘Proposed Land Exchange Utah (H.R. 1745)’ and dated November 9, 1995, which—”.

Page 28, line 13, insert “Recommended” before “Fed-”.

Page 30, strike line 1 and all that follows through line 8 and insert the following:

(2) HAZARDOUS MATERIALS.—The Secretary and the State of Utah shall inspect all pertinent records and shall conduct a physical inspection of the lands to be exchanged pursuant to this Act for the presence of any hazardous materials as presently defined by applicable law. The results of those inspections shall be made available to the parties. The responsibility for costs of remedial action related to such materials shall be borne by those entities responsible under existing law.

Page 30, line 10, strike “Act”.

Page 30, strike lines 21 and 22 and insert the following: “right of the State of Utah under Federal law to share the revenues from such Federal lands, and the conveyances under this section to the State of Utah shall be subject to such revenue sharing obligations as a valid existing right.”.

Page 31, after line 7, insert the following:

(4) COLLECTION OF PROCEEDS.—(A) The State of Utah, in connection with the management of the school and institutional trust lands, shall, upon transfer of lands described in subsections (c)(2) and (d), collect all proceeds from the—

(i) lease and production of minerals that are leasable under Federal law as of the date of enactment of this Act; and

(ii) sale and harvest of timber from the land described in subsections (c)(2) and (d), and distribute the revenue as required by law until the State, as trustee, no longer owns the estate from which the revenue is produced.

(B) Disputes concerning the collection and distribution of the revenue shall be resolved pursuant to State law.

Page 31, line 14, strike “12.” and insert “11.”.